



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 30, 1998

Ms. Judith Hunter
Paralegal
City of Georgetown
P.O. Box 409
Georgetown, Texas 78628

OR98-0298

Dear Ms. Hunter:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 112534.

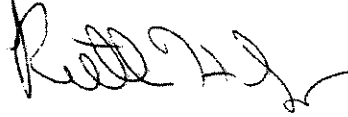
The City of Georgetown (the "city") received a request for information pertaining to an assault. It is our understanding that the city has provided the requestor with front page information from the responsive offense reports and arrest report. You contend that the other information responsive to the request is excepted from disclosure pursuant to section 552.108 of the Government Code.

Section 552.108(a)(1) provides an exception from disclosure for information that is held by a law enforcement agency or prosecutor and that deals with the detection, investigation, or prosecution of crime, when release of such information would interfere with the detection, investigation, or prosecution of crime. You explain that there is a pending criminal prosecution concerning the incident. Since there is a pending criminal prosecution, we agree that you have shown that release of this information would interfere with the prosecution of crime. *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976) (court delineates law enforcement interests that are present in active cases); *see* Open Records Decision No. 216 (1978) at 3 (release of information during pending criminal case would interfere with prosecution of crime and law enforcement interests). Thus, the city may withhold the information at issue from disclosure. We note that the city has discretion to release all or part of the information at issue that is not otherwise made confidential by law. Gov't Code § 552.007.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue

under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref.: ID# 112534

Enclosures: Submitted documents

cc: Ms. Elizabeth Duncan
456 Twin Springs Road
Georgetown, Texas 78628
(w/o enclosures)